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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,500	04/15/2004	Akihiro Ogasawara	01-619	6569
23400	7590	01/04/2006	EXAMINER	
POSZ LAW GROUP, PLC 12040 SOUTH LAKES DRIVE SUITE 101 RESTON, VA 20191			BROWN, VERNAL U	
			ART UNIT	PAPER NUMBER
			2635	

DATE MAILED: 01/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/824,500	<b>Applicant(s)</b> OGASAWARA, AKIHIRO	
	<b>Examiner</b> Vernal U. Brown	<b>Art Unit</b> 2635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

The application of Akhiro Ogasawara for In-Vehicle Device And Method for Retraining unauthorized Use filed 4/15/2004 has been examined. Claims 1-25 are pending.

#### ***Claim Objections***

Claim 9 is objected to because of the following informalities: The word does is incorrectly spelt.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4, 9, 12, and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 4 and 18, it is not clear to the examiner how the controller executes an enabling and disabling function when the power to it is stopped

Regarding claims 9, 12, does not recite a positive recitation of the claimed limitation. Claim 9 state what the invention does not include but failed to claim the limitation(s) that is included in the invention.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Murphy US patent 6232874.

.Regarding claims 1, 11, 13, 15, 24, and 25, Murphy teaches a commanding unit for generating a command of one of a permitting command for permitting a use of a given function of the in-vehicle device and an unpermitting command for unpermitting the use of the given function (vehicle accessories) based on the identification of the user (col. 5 lines 33-60). Murphy teaches a controller 179 for controlling the vehicle functions and an authentication unit for verifying the identity of the driver (col. 13 lines 30-45).

Regarding claim 2, 17, Murphy teaches permitting the use of a given function after verifying the identity of a person and setting a function of the vehicle accessories (col. 5 lines 33-60) and further teaches a display for permitting browsing of the settings (col. 12 lines 9-14).

Regarding claims 3, 16, Murphy teaches an inputting unit for inputting individual information unique to a user (biometric information) of the vehicle (col. 4 lines 44-55); and a registry storing unit for storing registry information registered by the user (col. 16 lines 1-6), and wherein the authenticating unit successfully executes the authentication process when a given relationship between the individual information and the registry information is fulfilled (col. 5 lines 33-60).

Regarding claims 4 and 18, Murphy teaches installing the in vehicle device so that the vehicle will not operate unless the in vehicle device is active is an optional arrangement (col. 15

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lines 3-9). Therefore when the in vehicle device is installed so that the vehicle is allowed to operate when the in vehicle device is inactive due to the stopping of its power supply.

Regarding claims 5, 19, Murphy teaches the insertion of key in the vehicle initiate the generation of the command (col. 6 line 60-col. 7 line 17). The key is considered a spare key because it is an alternative means to access the vehicle.

Regarding claims 6, 8, 20, Murphy teaches a map data storing unit for storing map data including position information relating to positions of facilities on a map defined by the permitted range of vehicle location coordinates (col. 12 lines 20-22, col. 14 lines 42-46) ; and a position detector for detecting a current position, wherein, when a current position detected by the position detector is a position of a given facility (col. 3 line 52-col. 4 lines 30), the commanding unit generates the unpermitting command for unpermitting of the use of the given function (col. 5 lines 35-38)

Regarding claims 7, 21, Murphy teaches the command to restrict the operation of the vehicle is determined after the user biometric is received and authenticated (col. 5 lines 33-60). The vehicle device is therefore powered without inserting the key.

Regarding claims 9, 12, 14, Murphy teaches the control function includes disabling the vehicle (col. 5 lines 35-37).

Regarding claim 10, 22-23, Murphy teaches the vehicle includes a navigation device for detecting the position of the vehicle (col. 3 lines 51-60).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vernal U. Brown whose telephone number is 571-272-3060. The examiner can normally be reached on 8:30-7:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 571-272-3068. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Vernal Brown  
December 1, 2005



BRIAN ZIMMERMAN  
PRIMARY EXAMINER